

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

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COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Report of Regular Meeting
Tuesday, February 9, 2016
House Hearing Room 1 -- 2:00 p.m.

Convened 3:36 p.m.

Recessed

Reconvened

Adjourned 6:53 p.m.

Members Present

Mr. Ackerley
Mr. Andrade
Mr. Borrelli
Mr. Campbell
Ms. Fann
Mrs. Fernandez
Mr. Kopec
Mr. Stevens, Vice-Chairman
Mr. Gray, Chairman

Members Absent

Agenda

Original Agenda -- Attachment 1

Request to Speak

Report – Attachment 2

Presentations

Name

Linda Gorman
Dr. Sara Bode

Organization

AAA
Phoenix Children's Hospital

Attachments (Handouts)

Committee Action

Bill

Action

Vote

Attachments

(Summaries,
Amendments, Roll Call,
Attendance)

HB2543	HELD		
HB2241	DP	9-0-0-0	3, 4
HB2022	DP	7-2-0-0	5, 6
HB2145	DP	8-1-0-0	7, 8
HB2122	DPA S/E	5-3-0-1	9, 10, 11
HB2348	DP	9-0-0-0	12, 13
HB2434	DPA	7-2-0-0	14, 15, 16
HB2495	DPA	9-0-0-0	17, 18, 19

HB2507	DP	5-3-1-0	20, 21, 22
HB2048	DP	9-0-0-0	23, 24
Committee Attendance			25



Andrea Allen, Chairman Assistant

February 10, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

Convened 3:36 pm
adjourned 6:53 pm

REGULAR MEETING AGENDA

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

DATE Tuesday, February 9, 2016

ROOM HHR 1

TIME 2:00 P.M.

Members:

Mr. Ackerley
Mr. Andrade
Mr. Borrelli

Mr. Campbell
Ms. Fann
Mrs. Fernandez

Mr. Kopec
Mr. Stevens, Vice-Chairman
Mr. Gray, Chairman

Presentation on Texting While Driving

Bills	Short Title	Strike Everything Title
HB2022	special plates; regionally accredited institutions <u>dp</u> (Stevens) <u>7.2.0.0</u> TI, RULES	
HB2048	voter registration records; ADOT records <u>dp</u> (Stevens) <u>9.0.0.0</u> TI, RULES	
HB2122	technical correction; technical registration board <u>dpa s/E</u> (Mesnard) <u>5.3.0.1</u> TI, RULES	S/E: photo radar; driver license suspension
HB2145	historic federal highway; special plates <u>dp</u> (Coleman, Borrelli, Cobb, et al) <u>8.1.0.0</u> TI, RULES	
HB2348	motor vehicle dealers; compensation <u>dp</u> (Gray) <u>9.0.0.0</u> TI, RULES	

Bills	Short Title	Strike Everything Title
HB2434	<u>dpa</u> abandoned vehicles; towing reimbursement (Stevens)	
	<u>7.2.0.0</u> TI, RULES	
HB2495	<u>dpa</u> sporting event tax revenue; tourism (Livingston, Allen J, Borrelli, et al)	
	<u>9.0.0.0</u> TI, RULES	
HB2507	<u>dp</u> outdoor advertising (Borrelli, Mitchell: Finchem, et al)	
	<u>5.3.1.0</u> TI, RULES	
HB2543	<u>Held</u> national motor vehicle title system (Gray)	
	<u> </u> TI, RULES	

ADDENDUM #1 - 02/05/16

HB2241	<u>dp</u> teenage drivers; communication devices prohibited (Fann, Cardenas, Hale, et al)
	<u>9.0.0.0</u> TI, RULES

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

asa
2/5/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Transportation and Infrastructure (2/9/2016)

HB2022, special plates; regionally accredited institutions

Testified in support:

Paul Senseman, GRAND CANYON UNIVERSITY

Support:

Todd Baughman, GRAND CANYON UNIVERSITY

Oppose:

Trey Williams, AZ ASSOCIATION OF COUNTIES

All Comments:

Paul Senseman, GRAND CANYON UNIVERSITY: On behalf of Grand Canyon University

HB2048, voter registration records; ADOT records

Support:

Eric Spencer, AZ SECRETARY OF STATE

Neutral:

Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Barbara Jean Robertson, representing self

All Comments:

Barbara Jean Robertson, Self: We hope that this will not become yet another unfunded mandate and a burden on ADOT.; Eric Spencer, AZ SECRETARY OF STATE: .

HB2122, technical correction; technical registration board

Testified as opposed:

Terry McDonald, representing self; Stan Barnes, AMERICAN TRAFFIC SOLUTIONS INC; Miranda DeWitt, MESA, CITY OF; timothy grier, representing self

Support:

Ryan Denke, representing self; Ryan Denke, representing self

Oppose:

Amber Wakeman, City Of El Mirage; Lana Mook, representing self; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Douglas Cole, Town Of Paradise Valley; Janna Day, National Safety Council Arizona Chapter; Dawn Marie Buckland, PARADISE VALLEY, TOWN OF; Debbie Grado, AZ CHAPTER NATIONAL SAFETY COUNCIL

All Comments:

Amber Wakeman, City Of El Mirage: City of El Mirage opposes the S/E amendment to HB2122; Lana Mook, Self: Mayor of El Mirage. Oppose S/E amendment on HB2122.; Terry McDonald, Self: Police Chief City of El Mirage. Oppose S/E amendment on HB2122.; timothy grier, Self: star Valley town manager; Debbie Grado, AZ CHAPTER NATIONAL SAFETY COUNCIL: N/A

HB2145, historic federal highway; special plates**Testified in support:**

Steve Wingenfeld, representing self

Testified as opposed:

Trey Williams, AZ ASSOCIATION OF COUNTIES

All Comments:

Steve Wingenfeld, Self: for bill

HB2348, motor vehicle dealers; compensation**Testified in support:**

Don Isaacson, AZ AUTOMOBILE DEALERS ASSN; Bobbi Sparrow, AZ AUTOMOBILE DEALERS ASSN

Testified as opposed:

Michael Gardner, ALLIANCE OF AUTOMOBILE MANUFACTURERS

Support:

Tom Farley, AZ AUTOMOBILE DEALERS ASSN

All Comments:

Michael Gardner, ALLIANCE OF AUTOMOBILE MANUFACTURERS: We are opposed to the bill as written. We are working with the stakeholders on amendments for the floor.

HB2434, abandoned vehicles; towing reimbursement**Testified in support:**

Meghaen Dell'Artino, ALL CITY TOWING

Support:

Russell McCloud, representing self; Nick Simonetta, Barnett's Towing; Tom Dorn, Arizona Professional Towing And Recovery Association ; Eric Emmert, Arizona Professional Towing And Recovery Association

All Comments:

Russell McCloud, Self: Tow companies mostly tow abandoned vehicles as a public service. They rarely are fully compensated for their tow bills. Tows are from public roadways or private property because the vehicles are otherwise an eyesore or public nuisance.; Nick Simonetta, Barnett's Towing: We are anticipating a committee amendment that has been discussed, and of which, assuming those discussions are reflected in the amendment, we are supportive.

HB2495, sporting event tax revenue; tourism**Testified in support:**

James Hamilton, PHOENIX INTERNATIONAL RACEWAY

Support:

Tom Farley, PHOENIX INTERNATIONAL RACEWAY; Jessica Blazina, City Of Avondale; Bryan Sperber, representing self; Bobbi Sparrow, AZ AUTOMOBILE DEALERS ASSN; Janna Day, PHOENIX INTERNATIONAL RACEWAY

Neutral:

Sean Laux, AZ DEPT OF REVENUE

All Comments:

Sean Laux, AZ DEPT OF REVENUE: The Department has identified some technical corrections with the bill as drafted. We will be working with the sponsor and proponents as the bill moves forward.; Bryan Sperber, Self: President, Phoenix Raceway

HB2507, outdoor advertising**Testified in support:**

Timothy La Sota, Lamar Outdoor

Testified as opposed:

Theresa Ulmer, ULMER CONSULTING LLC; Angela Cotera, representing self

Oppose:

Susan Waites, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Alisa McMahon, representing self; Michael Fiflis, representing self; Patricia Cady, representing self; Rosalind Switzer, representing self; Peter Bengtson, representing self; Mark Mayer, Designated Lobbyist, Scenic Arizona; Karen Cizek, representing self; sarah mckenzie, representing self; donald heller, representing self; Laura Chamberlin, representing self; ray halowski, representing self; Jeanne J. Blaes, representing self; Felicia French, representing self

All Comments:

Susan Waites, Self: This would hinder Az's astronomy potential.; Patricia Cady, Self: One of my favorite things to do in Arizona is enjoy the dark and starry night sky. Advertising without light limitations will disrupt the state's natural beauty - potentially with unforeseen negative affects on wildlife as well. Please vote "AGAINST"; Peter Bengtson, Self: This bill is an attempt to weaken the dark skies program in AZ. We need to limit light pollution not allow more of it!; Mark Mayer, Scenic Arizona: HB 2507 would further nullify Arizona Highway Beautification Act prohibition on electronic billboards and upset 2012 legislative compromise (HB2757).; Laura Chamberlin, Self: Protect Dark skies in Northern AZ; Jeanne J. Blaes, Self: Anti Dark Sky initiatives; Angela Cotera, Self: The bill would unilaterally change a law passed in 2012, that was the result of extensive discussions and compromises by all stakeholders. The encroachment on Arizona Dark Skies would negatively affect the Astronomical community.; Felicia French, Self: We need to keep the light pollution down in Northern AZ to draw more astronomers and tourist for our dark sky's.

HB2241, teenage drivers; communication devices prohibited

Testified in support:

Stuart Goodman, AAA Arizona; Noel Young, ALLSTATE INSURANCE CO

Support:

Susan Cannata, Arizona Chapter Of The American Academy Of Pediatrics, The Arizona Academy Of Family Physicians; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Kerry L. Hayden, FARMERS INSURANCE GROUP OF COMPANIES; J. Michael Low, Attorney, ALLSTATE INSURANCE CO, American Family Insurance; Russell Smoldon, PHOENIX CHILDREN'S HOSPITAL; Annie Mooney, PHOENIX CHILDREN'S HOSPITAL; Amanda Rusing, American Insurance Association; Tom Dorn, American Insurance Association; sara bode, representing self; Janna Day, National Safety Council Arizona Chapter

Oppose:

Daniel Salerno, representing self; Ryan Denke, representing self

All Comments:

Ryan Denke, Self: "Wireless communication device" is too vague. Technically, an automatic payment transmitter or a garage door opener would be illegal to operate.; sara bode, Self: Dr. Bode speaking as a pediatrician on the importance of the Graduated Drivers License program

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Transportation Infrastructure Bill Number 2122
Date 02/09/2016 ☐ Support ☐ Oppose ☒ Neutral
Name Jerry Landau Need to Speak? ☒ Yes ☐ No
Representing AZ Supreme Court Are you a registered lobbyist? _____
Complete Address _____
E-mail Address _____ Phone Number _____
Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Transportation & Infrastructure Bill Number H2122
Date 2/9/16 ☐ Support ☒ Oppose ☐ Neutral
Name Michael Dvorak, Asst Police Chief Need to Speak? ☒ Yes ☐ No
Representing City of Mesa Are you a registered lobbyist? _____
Complete Address P.O. Box 1466, Mesa, AZ 85211
E-mail Address michael.dvorak@mesaaz.gov Phone Number 480-644-2571

Comments: note- not a registered lobbyist. Technical staff who supported testimony from Miranda DeWitt, registered lobbyist.

FIVE-MINUTE SPEAKING LIMIT



HOUSE OF REPRESENTATIVES

HB 2241

teenage drivers; communication devices prohibited

Prime Sponsor: Representative Fann, et al., LD 1

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2241 prohibits a permittee from using a wireless communication device while driving a motor vehicle except during an emergency.

PROVISIONS

1. Restricts a permittee from using a wireless communication device while driving a motor vehicle except during an emergency where stopping the motor vehicle is impossible or will create an additional emergency or safety hazard.
2. Prohibits a peace officer from issuing a citation to or stopping a person who is operating a motor vehicle on a state highway for using a wireless communication device unless the peace officer has reasonable cause to believe there is another alleged violation.
3. States for the first six months a class G licensee holds the license the licensee may not use a wireless communication device while driving a motor vehicle except during an emergency where stopping the motor vehicle is impossible or will create an additional emergency or safety hazard.
4. Contains a delayed effective date from and after June 30, 2017.
5. Makes conforming changes.

CURRENT LAW

A.R.S. § 28-3101(A)(5) states a class G license is a graduated driver license for individuals who are at least 16 years old but are younger than 18 years old, and allows an individual to drive any vehicle that does not require a motorcycle or commercial driver license.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2241

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

HB 2022

special plates; regionally accredited institutions

Prime Sponsor: Representative Stevens, LD 14

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2022 establishes the Regionally Accredited Institution of Higher Education Special License Plate and Fund.

PROVISIONS

1. Establishes the Regionally Accredited Institution of Higher Education special license plate for institutions with at least one university campus in this state that pays \$32,000 to the Arizona Department of Transportation (ADOT) for implementation.
 - a. Requires the institution that provides the \$32,000 to design the special plate which is subject to approval by ADOT.
 - b. Allows a request for the Regionally Accredited Institution of Higher Education Special License Plate to be combined with a request for personalized plates.
2. Designates a \$25 fee for the original plate and renewals (\$17 for the donation and \$8 for the administration fee).
3. Mandates ADOT to deposit all special plate administration fees in the State Highway Fund and all donations collected in the Regionally Accredited Institution of Higher Education Special Plate Fund (Fund).
4. Establishes the Fund and requires the Director to administer the Fund.
5. Requires the first \$32,000 in the Fund to be reimbursed to the entity that paid the implementation fee.
6. Specifies that no more than 10% of monies deposited in the Fund can be used for administering the Fund.
7. Requires the Director to allocate money from the Fund to a foundation of a Regionally Accredited Institution of Higher Education within this state if both of the following apply:
 - a. The institution has more than 2,000 students residing on campus.
 - b. The institution has a nondiscrimination policy for admissions.
8. Mandates the State Treasurer to invest and divest monies from the Fund on notice from the Director of ADOT.
9. Makes conforming changes.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2022

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade			✓		
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez			✓		
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		7	2	0	0

APPROVED:

R. Gray
RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman

Andrea Allen
COMMITTEE SECRETARY

ATTACHMENT 6



HOUSE OF REPRESENTATIVES

HB 2145

historic federal highway; special plates

Prime Sponsor: Representative Coleman, LD 16

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2145 establishes the Federal Highway Preservation Special License Plate and Fund.

PROVISIONS

1. Establishes the Historic Federal Highway Preservation special license plate for an individual that pays \$32,000 to the Arizona Department of Transportation (ADOT) for implementation.
 - a. Requires the individual that provides the \$32,000 to design the special plate which is subject to approval by ADOT.
 - b. Allows a request for the Historic Federal Highway Preservation Special License Plate to be combined with a request for personalized plates.
2. Designates a \$25 fee for the original plate and renewals (\$8 for the administration fee and \$17 for the annual donation).
3. Requires ADOT to deposit all special plate administration fees in the State Highway Fund and all donations collected in the Historic Federal Highway Preservation Special License Plate Fund (Fund).
4. Establishes the Fund and requires the Director of ADOT to administer the Fund.
5. Mandates the first \$32,000 in the Fund to be reimbursed to the individual that financed the implementation fee.
6. Specifies that no more than 10% of monies deposited in the Fund can be used for administering the Fund.
7. Requires the Director to annually allocate money from the Fund to a designated charitable organization, qualified as such under section 501(c)(3) of the United States Internal Revenue Code, if the following apply:
 - a. The organization is solely comprised of volunteers.
 - b. The organization has been in existence for at least 30 years.
 - c. The organization has a dedicated mission to preserve, protect and promote a federal highway that is in the state.
 - d. The organization has contributed to the accomplishment of designating the Federal Highway as a historic road and a natural scenic byway, and obtaining the All-American Road Status.
 - e. The organization has assisted all communities in this state along the Federal Highway with preservation and marketing projects.

HB 2145

8. Mandates the State Treasurer to invest and divest monies from the Fund on notice from the Director of ADOT.
9. Makes conforming changes.

CURRENT LAW

Not currently addressed in statute.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2145

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez			✓		
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		8	1	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 8



HOUSE OF REPRESENTATIVES

HB 2122

technical correction; technical registration board

Prime Sponsor: Representative Mesnard, LD 17

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2122 makes a technical correction.

Summary of the Strike-Everything Amendment to HB 2122

PROVISIONS

1. Exempts an individual who fails to appear for a photo enforcement system violation court hearing from having their driver license suspended.

CURRENT LAW

A.R.S. § 28-3308 provides that on notification from the court that a person failed to appear for a scheduled court appearance, the Arizona Department of Transportation, Motor Vehicle Division, must suspend the person's driver license until the person appears or the fine or bond is paid. Suspension of a driver license is mandatory in every case.

A.R.S. §§ 28-1202 and -1203 provides an exception for first responders on duty from photo enforcement violations and limits the placement of photo enforcement systems. A.R.S. § 28-1602 further provides that photo enforcement violators are not required to identify who is in the photo or respond to the violation.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2122

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-3308, Arizona Revised Statutes, is amended to
3 read:

4 28-3308. Mandatory suspension; failure to appear; photo
5 enforcement system exception

6 On notification that a person failed to appear as directed for a
7 scheduled court appearance after service of the complaint alleging a
8 violation of a provision of this title, the department shall suspend the
9 person's driver license or nonresident operating privilege until the person
10 appears, the fine or civil penalty is paid or a bond is forfeited. THIS
11 SECTION DOES NOT APPLY IF THE VIOLATION IS A RESULT OF A PHOTO ENFORCEMENT
12 SYSTEM AS DEFINED IN SECTION 28-601."

13 Amend title to conform

RICK GRAY

2122GRAY
02/03/2016
04:37 PM
H: ab/ajh

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

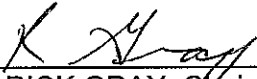
ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2122

DATE February 9, 2016 MOTION: dpa S/E

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade			✓		
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez			✓		
Mr. Kopec			✓		
Mr. Stevens, Vice-Chairman					✓
Mr. Gray, Chairman		✓			
		5	3	0	1

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 11



HOUSE OF REPRESENTATIVES

HB 2348

motor vehicle dealers; compensation

Prime Sponsor: Representative Gray, LD 21

X Committee on Transportation & Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2348 establishes requirements and criteria for compensation paid to a new motor vehicle dealer (dealer) by a manufacturer or distributor of new vehicles for diagnostic work, repair service, labor and warranty service, including recalls. Stipulates audit and hearing process requirements for contested or fraudulent paid claims for service.

PROVISIONS

1. Requires a dealer to provide the buyer of a new motor vehicle with a signed copy of the manufacturer's or distributor's delivery and preparation requirements and indicate that all requirements have been performed.
2. Stipulates that a manufacturer or distributor must compensate a dealer who performs work to fix a product defect or warranty obligations, including recall obligations.
3. Requires compensation paid to a dealer by the manufacturer or distributor for diagnostic work or parts used in warranty or recall related service to be fair and reasonable.
4. Prescribes that time allowances given to a dealer by the manufacturer or distributor for performance of work must be reasonable and adequate.
5. Establishes required criteria for a dealer to establish the retail rate it charges for labor (average labor rate) and retail rate it charges for warranty parts (average percentage markup), and:
 - a. States that the average labor rate or average percentage markup (retail rate for parts and labor) is presumed to be fair and reasonable.
 - b. Allows the manufacturer or distributor to rebut the fairness of the average labor rate or average percentage markup by stating that the price is unfair and unreasonable compared to the practices of all other franchised dealers in the vicinity.
 - c. Requires the manufacturer or distributor to propose an adjustment of the average labor rate or average percentage markup within 30 days of submission and states that if the dealer refuses this adjustment, the dealer may file a protest with the Director of The Arizona Department of Transportation (Director) within 30 days of receipt.
 - d. Stipulates that the manufacturer or dealer has the burden of proving their rebut in protest hearings and that prehearing discovery must be conducted pursuant to Arizona rules of civil procedure.
 - e. States that the average labor rate or average percentage markup shall go into effect 30 days following its declaration, as long as it has not been rebutted.

- f. Excludes the following work from being included in calculating the retail rate for parts and labor:
 - i. Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs.
 - ii. Parts sold at wholesale.
 - iii. Engine and transmission assemblies.
 - iv. Routine maintenance not covered under any retail customer warranty, such as fluids, filters and belts.
 - v. Nuts, bolts, fasteners and similar items without individual part numbers.
 - vi. Tires.
 - vii. Vehicle reconditioning.
- 6. Stipulates that in the case of a hearing regarding a protest of the retail rate for parts and labor:
 - a. The Director must:
 - i. Inform the manufacturer or distributor that a protest has been filed and a hearing will be held.
 - ii. Enter an order fixing the time and place of a hearing which must take place within 75 days of the order.
 - iii. Send a copy of the order by certified mail to the dealer and manufacturer.
 - iv. Appoint a member to the Arizona State Bar who must be designated as an administrative law judge to conduct the hearing and compensated under contract.
 - b. The administrative law judge may:
 - i. Issue subpoenas.
 - ii. Administer oaths.
 - iii. Compel the attendance of witnesses and production evidence.
 - iv. Apply to the Superior Court in the county in which the hearing is held for a court order.
 - c. A transcript of all testimony must be taken and preserved.
 - d. The administrative law judge must make written findings of fact and conclusions of law and enter a final finding within 45 days after the hearing;
 - e. A party to the hearing may appeal a decision to the Arizona Supreme Court, who has jurisdiction over judicial review of administrative decisions, with the appeal taking preference over all other civil matters.
 - f. As a condition of appeal, the appealing party must file a certain bonds or their equivalents with the Director and requires the bonds to be sufficient in amount to cover any damages incurred by the prevailing party, but not greater than \$50,000 or 10% of the appealing parties' net worth, whichever is less.
- 7. Prohibits a dealer from declaring the average labor rate or average percentage markup more than twice in one calendar year.
- 8. Allows the manufacturer or distributor to reasonably and periodically audit a dealer to determine the validity of paid claims for any charge-backs for warranty parts or service compensation at any time, rather than within six months of the paid claim, if there is cause to believe that the claim is intentionally false or fraudulent.
- 9. Allows the manufacturer or distributor to reasonably and periodically audit a dealer to determine the validity of paid claims for any charge-backs for consumer or dealer incentives at any time, rather than within one year of the paid claim, if there is cause to believe that the claim is intentionally false or fraudulent.

10. Permits the manufacturer or distributor, after an audit to determine the validity of a paid claim, to charge back the dealer the amount of any previously paid claim, so long as the dealer has had notice and an opportunity to participate in all franchisor internal appellate processes and legal processes.
11. Provides that all claims by dealers under this section for labor, parts and compensation relative to any sales incentive program must be paid within 30 days of approval by the manufacturer or distributor.
12. Requires all claims to be approved or disapproved within 30 days after receipt on forms and in the manner specified by the manufacturer or distributor and stipulates that any receipt not disapproved in writing or by electronic transmission within 30 days is considered approved.
13. Prohibits a manufacturer or distributor from requiring a dealer to establish the retail rate for parts and labor or require information, including part-by-part or transaction-by-transaction calculations, by an unduly burdensome or time consuming method.
14. If a manufacturer or distributor provides a part or component to a dealer at no cost to perform recall repairs, campaign service action or warranty repair, the manufacturer or distributor must compensate the dealer with the average markup on the cost for the part or component as listed in the manufacturer's or distributor's price schedule
15. Prohibits a manufacturer or distributor from denying a claim by a dealer for reimbursement based solely on a dealer's incidental failure to comply with a specific claim requirement, such as a clerical error or missing signatures, that does not put the legitimacy of the claim into question.
16. Prescribes that if a claim is rejected for a clerical error or missing signature, that the dealer may resubmit a corrected claim in a timely manner at any time, regardless of an audit or rejection of the claim.
17. Allows a distributor or importer, rather than just a manufacturer, to prove in an instance that a dealer sells or leases a vehicle to a customer who exports the vehicle to a foreign country that the dealer knew or reasonably should have known that the vehicle would be exported, in order to allow the manufacturer to:
 - a. Refuse to sell, allocate, or deliver new motor vehicles to the dealer;
 - b. Charge back or withhold payments to the dealer under the incentive program or contest;
 - c. Prevent a dealer from participating in any sales program or promotion;
 - d. Take adverse action against the dealer, including reducing vehicle allocations or terminating a dealer.
18. Stipulates that a manufacturer or distributor may not recover any portion of its costs for compensating a dealer for warranty parts or service, including recalls, by either reduction in the amount due or separate charge, surcharge, administration fee or other imposition.
19. Defines *reasonable cause*.
20. Makes technical, clarifying and conforming changes.

CURRENT LAW

A.R.S. § 28-4451 stipulates that any mechanical, body or parts defects in an automobile arising from any express or implied warranties of the manufacturer constitute the manufacturer's product or warranty liability. As such, the manufacturer must reasonably compensate an authorized dealer who performs work to rectify the manufacturer's product or warranty defects.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

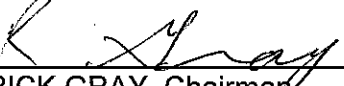
ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2348

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 13



HOUSE OF REPRESENTATIVES

HB 2434

abandoned vehicles; towing reimbursement

Prime Sponsor: Representative Stevens, LD 14

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2434 entitles a towing company which towed any abandoned vehicle to receive all towing fees, rather than \$100, from the fee collected by the Arizona Department of Transportation (ADOT).

PROVISIONS

1. Allows a towing company that has towed any abandoned vehicle to collect all towing fees, rather than \$100, collected from ADOT.

CURRENT LAW

A.R.S. § 28-4805 states that if a vehicle is abandoned on national forest, state park, bureau of land management or state trust land and a towing fee was collected by ADOT, then the towing company which towed the vehicle off the land is entitled to receive \$100 of the fee collected by ADOT.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2434

(Reference to printed bill)

- 1 Page 1, line 9, strike "ALL TOWING FEES from" insert "TWENTY PERCENT OF"
- 2 Amend title to conform

RICK GRAY

2434GRAY
02/04/2016
01:20 PM
H: ab/ajh

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

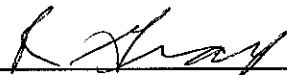
ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2434

DATE February 9, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez			✓		
Mr. Kopec			✓		
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		7	2	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 16



HOUSE OF REPRESENTATIVES

HB 2495

sporting event tax revenue; tourism

Prime Sponsor: Representative Livingston, LD 22

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2495 establishes distribution standards of tax revenues earned from a special sporting event.

PROVISIONS

1. Requires the Arizona Office of Tourism (AOT) to administer an account consisting of tax revenues collected from a special sporting event and to appropriate these monies continuously.
2. Mandates the state treasurer, upon request from AOT, to invest and divest monies in the account and specifies that the monies earned from the investment must be credited to the account.
3. Prohibits account monies to be reverted or deposited into any other fund, including the General Fund (GF).
4. Requires account monies to supplement (not supplant) existing AOT accounts and must only be spent for the prescribed purpose and not for administrative or overhead expenses.
5. Provides that the state treasurer must pay the distribution base in the determined amount to AOT for the sole benefit of the host facility of a special sporting event.
 - a. Requires AOT to deposit monies into the Tourism Fund.
 - b. Outlines the payment amounts to be distributed to AOT as follows:
 - i. The amount of the sporting event tax revenue, but no more than \$1,000,000, if the special sporting event project costs \$50,000,000-\$74,999,999 in a fiscal year (FY).
 - ii. The amount of the special sporting event tax revenue, but no more than \$1,500,000, if the special sporting event project costs \$75,000,000-\$99,999,999 in a FY.
 - iii. The amount of the special sporting event tax revenue, but no more than \$2,000,000, if the special sporting event project costs at least \$100,000,000.
 - c. Requires monies paid to AOT solely to promote and market the special sporting event and host facility.
6. Specifies that expenditures are payable for 30 years from when the amount of the special sporting event project costs meet the outlined minimum threshold.
7. Requires the Department of Revenue (DOR) to separately account for revenues which are collected that are directly attributable to the special sporting event held at the host facility, beginning January 1, 2020, and sales under the following classifications:
 - a. The retail classification from businesses selling tangible personal property.
 - b. The amusement classification.

HB 2495

- c. The restaurant classification from businesses operating restaurants, dining rooms, lunchrooms, lunch stands, soda fountains, catering services or similar establishments
- 8. Defines *host facility*, *special sporting event*, *special sporting event project*, *special sporting event project cost*, and *special sporting event tax revenue*.

CURRENT LAW

A.R.S. § 42-5029 (D) outlines the requirements for DOR regarding the monies designated as a distribution base (the portion of revenues derived from the tax levied by the transaction privilege tax, severance taxes, the jet fuel excise and use tax, and affiliated excises taxes designated for distribution to counties, municipalities, and other purposes prescribed by statute).

A.R.S. § 41-2306 establishes the Tourism Fund (Fund) (added by Laws 1988, Ch. 271 § 17) and specifies that the Fund consists of separate accounts derived from a transfer of \$4M in FY 2002 from the Arizona Sports and Tourism Authority, which is to increase by 5% each year. The fund also receives tribal gaming contributions and GF appropriations. The purpose of the fund is to pay for the costs of AOT activities.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2495

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 28-6501, Arizona Revised Statutes, is amended to
3 read:

4 28-6501. Definition of highway user revenues

5 In this article, unless the context otherwise requires or except as
6 otherwise provided by statute, "highway user revenues" means all monies
7 received in this state from licenses, taxes, penalties, interest and fees
8 authorized by the following:

9 1. Chapters 2, 7, 8 and 15 of this title, except for:

10 (a) The special plate administration fees prescribed in sections
11 28-2404, 28-2412 through 28-2455 and 28-2514.

12 (b) The donations prescribed in sections 28-2404, 28-2412 through
13 28-2415, 28-2417 through 28-2455, 28-2473, 28-2474 and 28-2475.

14 2. Section 28-1177.

15 3. Chapters 10 and 11 of this title.

16 4. Chapter 16, articles 1, 2 and 4 of this title, except as provided
17 in sections 28-5926 and 28-5927.

18 5. SECTION 42-5032.03, SUBSECTION A, PARAGRAPH 2."

19 Renumber to conform

20 Line 39, after "42-5032.03" insert ", SUBSECTION A, PARAGRAPH 1"

21 Page 2, line 3, after "42-5032.03" insert ", SUBSECTION A, PARAGRAPH 1"

22 Page 7, line 23, after "reports" insert a semicolon

House Amendments to H.B. 2495

- 1 Page 7, line 26, after "SECTION" insert "AS FOLLOWS:
- 2 1. NINETY PERCENT"
- 3 Line 29, after "41-2306" insert "AND SHALL USE THE MONIES SOLELY TO PROMOTE AND
- 4 MARKET THE SPECIAL SPORTING EVENT AND ITS HOST FACILITY"
- 5 Between lines 29 and 30, insert:
- 6 "2. TEN PERCENT TO THE DEPARTMENT OF TRANSPORTATION FOR DEPOSIT IN,
- 7 AND FOR THE PURPOSES OF, THE ARIZONA HIGHWAY USER REVENUE FUND AS PROVIDED BY
- 8 TITLE 28, CHAPTER 18."
- 9 Line 30, strike "TO THE OFFICE OF TOURISM"
- 10 Strike lines 43 through 45
- 11 Reletter to conform
- 12 Amend title to conform

DAVID W. STEVENS

2495ds1
02/02/2016
03:26 PM
C: dmt

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2495

DATE February 9, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 19



HOUSE OF REPRESENTATIVES

HB 2507

outdoor advertising

Prime Sponsor: Representative Borrelli, et al., LD 5

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

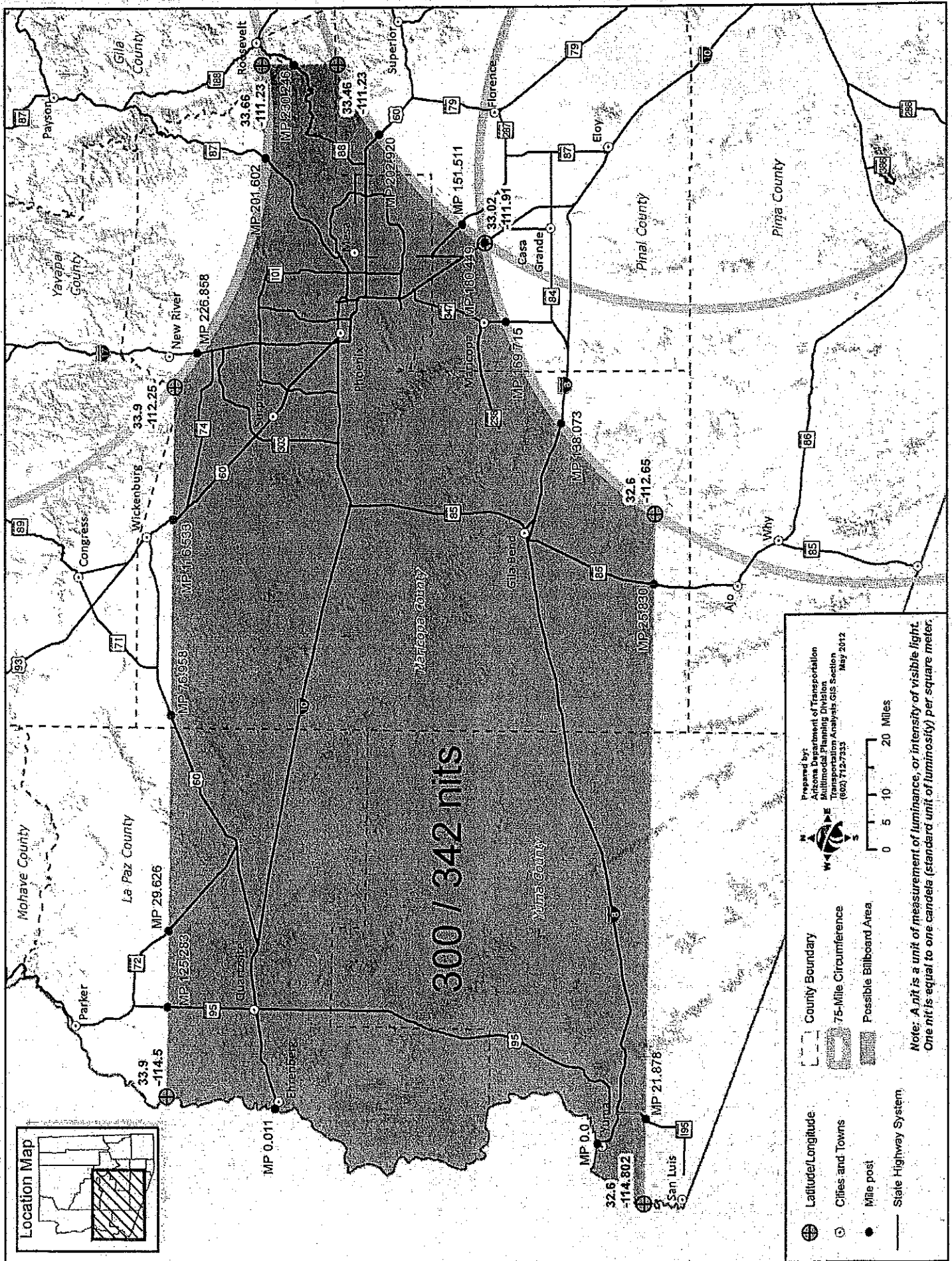
HB 2507 increases the area in which electronic outdoor advertising is permitted.

PROVISIONS

1. Expands the coordinates in which electronic outdoor advertising is permitted.
2. Makes technical changes.

CURRENT LAW

A.R.S. § 28-7901 defines *electronic outdoor advertising* as signs, displays and devices with sign faces that are comprised of matrices of light or light emitting devices that are static or capable of changing messages electronically or by remote. A.R.S. § 28-7902 requires electronic outdoor advertising to contain no animation, remain static for at least eight seconds and comply with certain lighting requirements. In addition, statute prohibits electronic outdoor advertising to be located outside of specified coordinates.



ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

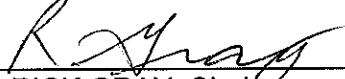
ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2507

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley	✓			✓	
Mr. Andrade			✓		
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez			✓		
Mr. Kopec			✓		
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		5	3	1	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 22



HOUSE OF REPRESENTATIVES

HB 2048

voter registration records; ADOT records

Prime Sponsor: Representative Stevens, LD 14

X Committee on Transportation & Infrastructure

Caucus and COW

House Engrossed

OVERVIEW

HB 2048 requires the Arizona Department of Transportation (ADOT) to provide the Arizona Secretary of State (SOS) with a monthly update of any name or address change in order to compare the information with the voter registration database.

PROVISIONS

1. Requires ADOT to monthly provide the SOS with an update of all address and name changes that the department has received within the previous month.
2. Allows the SOS to compare the voter registration database with ADOT records to find any discrepancies in the information.
3. Authorizes the SOS to annually require ADOT to provide any department records so that they may be compared with the voter registration records.

CURRENT LAW

A person with a current Arizona driver license must notify ADOT within 10 days of any name or address change (A.R.S. § 28-448). ADOT is permitted to update an address in the vehicle registration record if a traffic citation or records by another government agency indicate that a person's address has changed.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

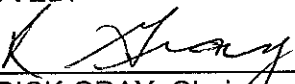
ROLL CALL VOTE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. HB 2048

DATE February 9, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

APPROVED:


RICK GRAY, Chairman
DAVID W. STEVENS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 24

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session
COMMITTEE ATTENDANCE RECORD

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

CHAIRMAN: Rick Gray VICE-CHAIRMAN: David W. Stevens

DATE	2/9 /16	/16	/16	/16	/16
CONVENED	3:36pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	6:53pm				
MEMBERS					
Mr. Ackerley	✓				
Mr. Andrade	✓				
Mr. Borrelli	✓				
Mr. Campbell	✓				
Ms. Fann	✓				
Mrs. Fernandez	✓				
Mr. Kopec	✓				
Mr. Stevens, Vice-Chairman	✓				
Mr. Gray, Chairman	✓				

√ Present --- Absent exc Excused